

IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

FILED
FEB 05 2020
Eric Cantagut Weinstein
CIRCUIT CLERK

PEOPLE OF THE STATE OF ILLINOIS

v.

GENERAL NO. 09 CF 926

MARNI YANG

PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO RUN FINGERPRINT

EVIDENCE THROUGH AFIS ANALYSIS

Now comes Michael G. Nerheim States Attorney Lake County Illinois, by and through his assistant Jason R. Humke and hereby requests that the court deny the Defendant's January 22, 2020 motion to compel the State to run a fingerprint through the Automated Fingerprint Identification System (AFIS), and in support thereof states as follows:

1. On January 22, 2020 the Defendant, through counsel, filed a motion for the court to direct law enforcement to run an unidentified latent fingerprint developed from the outside doorknob of Rhoni Reuter's apartment door through AFIS.
2. The Defendant made this same motion back on August 11, 2014 in her motion captioned "Motion for Forensic Testing Pursuant to 725 ILCS 5/116-3" and again on June 15, 2016 in her motion captioned "Marni Yang's Second Motion for Forensic Testing Pursuant to 725 ILCS 5/116-3."
3. As a threshold matter, the chief problem with the Defendant's two previous motions, as well as the instant motion is that the procedure she now requests was scientifically available at the time of her trial. *People v. Laponte*, 2018 IL App (2d) 160432 ¶37. As such, it is not authorized by the statute and also would not constitute

“newly discovered” evidence that could not have been discovered prior to her trial with the exercise of diligence for purposes of supporting a post-conviction claim. *See* 725 ILCS 5/116-3(a)(2); *People v. Harris*, 206 Ill.2d 293, 301 (2002).

4. This evidence regarding the unmatched fingerprint is also not new. It was, in fact, thoroughly discussed in the record of the Defendant’s trial. As early as October 26, 2010 the prosecution informed the court that there was a latent fingerprint on the doorknob of the victim’s residence that found and the prosecution requested that the Defendant be fingerprinted to determine whether the latent print could be compared to her fingerprints. (R.000201-03). The court entered an order on that same date to allow a defense expert of their choosing to be present at the Northeastern Illinois Regional Crime Laboratory for comparison of the Defendant’s prints to the latent print found. The court again on December 17, 2010 offered to the defense the option of allowing an expert to visit the crime lab for this testing should the defense choose to retain one (R.000507-08).
5. Instead, the defense used this evidence of an unmatched fingerprint at the Defendant’s trial. A stipulation was admitted as Defendant’s Exhibit 12 regarding this unmatched fingerprint (R.003903). The defense also argued this fact vociferously in their argument. (R.004033).
6. Now, having been convicted, the Defendant wishes to change court and have an unmatched latent print run through a database that could have been done a decade earlier. This is not newly discovered evidence contemplated by either the statute or caselaw to advance a claim of actual innocence.

7. For these reasons, and because the Defendant has failed to allege any information as required to demonstrate why this testing was not scientifically available prior to her trial, the People ask that the court deny the Defendant's motion.

WHEREFORE, the People respectfully request that the court deny the Defendant's motion at this time.

Respectfully submitted,
MICHAEL G. NERHEIM
LAKE COUNTY STATE'S ATTORNEY

By: _____


JASON R. HUMKE
Assistant State's Attorney

IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT
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PEOPLE OF THE STATE OF ILLINOIS

v.

GENERAL NO. 09 CF 926

MARNI YANG

PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO ISSUE SUBPOENAS

DUCES TECUM

Now comes Michael G. Nerheim States Attorney Lake County Illinois, by and through his assistant Jason R. Humke and hereby requests that the court deny the Defendant's January 22, 2020 motion to issue subpoenas *duces tecum* in this cause, and in support thereof states as follows:

1. On October 1, 2019, the Defendant thru her counsel filed a post-conviction petition with this court. On November 19, 2019 defense counsel, suggested he was going to seek leave of court to issue subpoenas *duces tecum*. Counsel indicated to the court that these subpoenas would be narrowly tailored and focused and not a generalized fishing expedition.
2. On November 19, 2019, the Defendant thru counsel made an oral motion to issue subpoenas *duces tecum* without specifying what the subpoenas would be for and why.
3. Most recently, on January 22, 2020, the Defendant filed a motion seeking to issue seven (7) subpoenas to various places, but chiefly upon the police departments involved in the investigation.

4. The People previously filed a written response to this request stating an objection since the Defendant was not entitled to discovery or subpoena power at this stage of the proceedings absent a showing of “good cause.” *People v Hickey* 204 Ill. 2d 585, 598. (2001). This is because, as the courts have articulated, the Defendant was already found guilty at trial, her conviction was affirmed on appeal, and therefore she had “already been stripped of the presumption of innocence.” *People v. Owens*, 139 Ill. 2d 351, 365 (1990). Our Supreme Court has required that Defendants demonstrate “good cause” prior to a trial court grant discovery requests because there exists obvious opportunities for abuse of the discovery process in these proceedings. *Id*
5. The Defendant is therefore required to demonstrate “good cause” for the court to authorize the issuance of a subpoena. As the Supreme Court in *Hickey* made clear, the standard for demonstrating good cause regarding a claim of actual innocence is that the Defendant must demonstrate that the subpoenas sought are for evidence that would be new, material, noncumulative, and of such conclusive character as would probably change the result upon retrial. 204 Ill.2d at 601-02. The Court has also repeatedly instructed that “newly discovered” evidence is not evidence that was available to the Defendant prior to her trial or would have been available with the exercise of due diligence. *Id.* At 600-01; *People v. Harris*, 206 Ill.2d 293, 301 (2002). Regarding the conclusive character of the evidence, at this stage of the proceedings, our Supreme Court has stated most recently that the evidence must be so conclusive that “it is more likely than not that no reasonable juror would find

[the Defendant] guilty beyond a reasonable doubt.” *People v. Sanders*, 2016 IL 118123 ¶ 47, *citing Edwards*, 2012 IL 111711, ¶ 40.

6. As the Court in *Hickey* made clear, requests for discovery or the issuance of subpoenas during post-conviction proceedings that do not demonstrate these requirements should be denied. 204 Ill.2d at 601-02.
7. The People previously objected to the Defendant’s oral request to issue subpoenas and continue to object to this new motion because the Defendant fails to explain how these requested items meet these requirements. Indeed, the Defendant simply ignores these requirements all together. The requirements are not even mentioned. It is quite simply the Defendant’s burden to allege that these requirements have been met and is not the obligation of the court to speculate upon or divine how the requested subpoenas are for evidence that would be new, not available prior to trial with the exercise of due diligence, material, noncumulative, and of such conclusive character as would probably change the result upon retrial. *See Hickey*, 204 Ill.2d at 601-02; *Sanders*, 2016 IL 118123, ¶ 24 *citing Edwards*, 2012 IL 111711, ¶ 32.
8. The Defendant’s motion also offers no evidence whatsoever in support of her numerous claims of fact made in the motion, including the identity of the “manufacturer and distributor” of the medical alert bracelet admitted in evidence at the Defendant’s trial, (para. 14) the existence of this alleged collection agency phone call, (para. 13), and the Defendant’s “information or belief” that law enforcement is possession of any surveillance video that was not previously provided to the Defendant multiple times on numerous (para. 8). As the Court has also made clear, it is the Defendant’s burden to offer evidence (not assertions) to

support these claims. *See Hickey*, 204 Ill.2d at 602. Afterall, how is the court to determine if these purported discovery requests are, for example, not based upon evidence that was previously available to the Defendant with the exercise of due diligence if the Defendant never even puts forth any evidence on the basis of any of the discovery requests. *Edwards*, 2012 IL 111711, ¶ 32.

9. The Defendant's requests also amount to nothing more than a generalized fishing expedition, contrary to the Defendant's assertions. *Hickey* 204 Ill. 2d at 598. Frankly, the requests amount to the quintessential example of a generalized fishing expedition. The Court's opinion in *Hickey* again illustrates this point. In *Hickey*, the defense sought to issue subpoenas regarding various evidence that would have been available prior to that defendant's trial. *Id.* at 598-601. Counsel in that case claimed that the requested discovery was necessary to advance the petitioner's postconviction claims, but the court explained that this was exactly the type of generalized fishing expedition that is prohibited in post-conviction proceedings. *Id.* at 599.
10. Similarly, the Defendant in these post-conviction proceedings seeks subpoena power to engage in a generalized fishing expedition of the first order. Subpoenas 1-4 are directed at the state attorney's office and law enforcement. Subpoenas 1 and 2 involve items of evidence the defense has already obtained from the Deerfield Police Department by the agreed court order entered July 13, 2018. These were also items of evidence that were also previously disclosed to the Defendant's trial counsel on May 13, 2009. They were also shown these physical pieces of evidence on November 12, 2010 at the Criminal Investigations Division of the Lake County

Sheriff's Department. The defense requested an additional copy of "CAF006" the surveillance video from the outside of LeRoy's Barbershop, which was furnished to them on December 3, 2010. (C.000515). Since these items were provided to the defense several times before and after her trial, these subpoenas are again a generalized fishing expedition.

11. Subpoena 3 seeking to access all of Rhoni Reuter's "computers, cell phones, answering machines, pagers or beepers" is again a generalized fishing expedition. The Defendant does not even explain in her motion how any of these materials in any way advances any claim she makes in her post-conviction petition.
12. Subpoenas 4 and 5 apparently directs the state to disclose agreements or benefits offered to witnesses. The Defendant's trial counsel filed a motion on that same issue on May 24, 2010. This motion was granted and complied with as paragraph #6 of the Agreed Order dated February 18, 2011 indicates. (C000614). This is also reflected in the disclosure filed by the People on July 16, 2010 averring that the State is not aware of any benefits, promises, and considerations of any kind provided to state witnesses (C.000433).
13. Subpoenas 6 and 7 are apparently directed to whomever the Defendant believes manufactured the medical alert bracelet and whomever the Defendant believed called her landline phone "in the morning hours" of October 4, 2007. As the Defendant makes no offer of proof on either of these assertions, these again appear to be generalized fishing expeditions involving information or evidence that would have been available to the Defendant prior to trial with the exercise of due diligence. *See Hickey*, 204 Ill.2d at 601-02.

14. Since the Defendant's motion fails to provide any of this information to the court or set forth how these discovery requests seek evidence that is (1) newly discovered, (2) not discoverable earlier through the exercise of due diligence, (3) material and not merely cumulative, and (4) of such conclusive character that it would probably change the result on retrial, the Defendant's motion to issue subpoenas should be denied at this time. *People v. Edwards*, 2012 IL 111711, ¶ 32.

15. One final point in the Defendant's Motion requires response to correct the record. The Defendant is correct that, prior to the filing of her post-conviction, numerous court orders were granted by agreement and without objection of the People to allow inspection and testing of all evidence and materials in the possession and control of the investigating law enforcement agencies, the clerk's office, the Defendant's trial counsel, and copies of the discovery previously tendered to the Defendant by the State Attorney's Office. The Defendant is also correct that this done by agreement because the Defendant, some five years after she was convicted at trial and with her appeals to the appellate court and state supreme court denied, normally has no right to this discovery. *See Hickey* 204 Ill. 2d at 598.

16. The Defendant is also correct that, since filing her Petition for post-conviction relief, the People have stopped voluntary cooperation with the Defendant's requests that were not based upon the law. That is for a very important reason. It has become clear to the People that the defense, rather than offering a truly persuasive claim that exonerates the Defendant and shows that she was in fact innocent, instead has merely sought to generate salacious and disingenuous claims blaming the police, her original lawyers, her friends, and her family for her conviction. It has become

in fact obvious that the defense has sought to take advantage of the strong desire of the State Attorney's Office to ensure a criminal conviction has integrity and that a truly innocent person is not wrongfully convicted. It is however quite apparent from the Defendant's salacious and meritless claims and the process she has undergone to pursue her post-conviction petition that she is in fact guilty as the jury found her to be and she now seeks to abuse this important post-conviction process to attempt to escape her guilt by any means.

17. An example of how the defense has abused the limited post-conviction discovery process illustrates this point. As the court is aware, the defense requested to test the live rounds found at the crime scene next to Rhoni Reuter's body for the presence of DNA. On its face, the request seemed reasonable so, on September 11, 2014 and again on April 26, 2018 the court granted the defense request and issued orders for the defense to test first the shell casings and then the live rounds found at the crime scene for DNA. What the defense failed to ever disclose to the court, however, was that the live rounds the defense sought testing of had already been swabbed for and tested for the presence of DNA by the Northeastern Illinois Regional Crime Laboratory on December 18, 2007. (See Exhibit 1). These live rounds were swabbed for DNA specifically to preserve any DNA that would have existed on them prior to the rounds being handled and examined for firearm/toolmark comparison testing. The original swabs taken of these bullets were preserved *for the very purpose* of allowing additional DNA testing should additional testing be requested. (See Exhibit 1).

18. The defense knew these live rounds were previously swabbed for and tested for the presence of DNA. The Defendant was disclosed this information in the lab reports found at "PF 006871-74" in the initial Disclosure to the Accused filed on May 13, 2009 (C.00039); (See Exhibit 1). These lab reports were again tendered to the defense as "PF 8041-44" on October 26, 2010 as part of supplemental answer to discovery labeled "PF 8026 to 8391" related to the lab reports and notes from the crime laboratory. (R.000200-01; C000468); (See Exhibit 2). The Defendant's current attorneys also had these same Bate-Stamped lab reports tendered in the Initial Disclosure to the Accused. (See Petition, Exhibit 44, pg. 5 of 23).
19. Despite this, the defense, in their motions to the court seeking DNA testing of the live rounds, repeatedly claimed these live rounds were never tested for DNA.
20. Rather than test the swabs previously taken of live rounds that were and still are available to this day for testing, the defense sought to re-test these live rounds that were obviously handled during firearm/toolmark testing, admitted as evidence at the Defendant's trial, and actually opened and handled in open court by the firearm/toolmark examiner during the Defendant's trial. (R.003268-69). Even more troubling, the defense's own forensic laboratory warned the defense back on July 9, 2015 about the previous history and handling of these items of evidence, noting that the shell casings came in unsealed packaging with exhibit tags on them. (See Exhibit 3, pg. 9, para. #3). The defense's own forensic laboratory also warned the defense on June 5, 2018 regarding the live rounds that "...the best items have already been processed, *most of the items were handled and exposed at trial* and at best, these kinds of evidence are low yield for DNA." (See Exhibit 4, pg. 2/3).

(emphasis added). It was in fact obvious to the defense's forensic laboratory that the live rounds had been handled and were therefore unsuitable for subsequent DNA testing – the lab even noted that each live round was engraved with the NIRCL case number, item number, and the initials of the firearm/ballistics examiner who examined them for firearm/toolmark testing. (See Exhibit 5, pgs. 52, 54, 73).

21. Knowing all of this, the defense chose to test these items. And yet, when the defense's forensic laboratory inevitably and unsurprisingly discovered male DNA on the live rounds, the defense chose to put this forth as a claim of the Defendant's "actual innocence" in the Defendant's post-conviction petition. (See Petition, para. 36).
22. Even more troubling, however, was how the defense regarded the court's orders regarding the DNA testing ordered in this case. The court specifically ordered the defense not to engage in consumptive (i.e. destructive) testing of the DNA evidence without coming to court to seek permission to do so. (See Exhibit 3, pg. 14). This would obviously allow the People to seek comparison testing of this DNA evidence to determine a possible contributor.
23. In an e-mail they sent to defense counsel on July 9, 2015, the defense's forensic laboratory noted the court's explicit order prohibiting consumptive testing. (See Exhibit 3, pg. 9, para. #2). Defense counsel apparently interpreted the court's unambiguous order *sub rosa*, for the laboratory in an e-mail dated July 29, 2015, informing them "if you consume the swab you are consistent with the court's order so long as the cartridge remains available to the state for additional testing." (See

Exhibit 3, pg. 11, para. #2). This appears to also contradict the lab's own standard operating procedure (SOP) dated March 10, 2015 which states that "only ½ of the total specimen from a forensic source may be consumed at IFI. Written permission from the agency or originating source must be obtained prior to fully consuming any forensic sample. (See Exhibit 7, pg. 15 of 26). In this case, the originating source of this evidence was the court. It was not private property of the defense.

24. Obviously, this claim by the defense to the lab that the bullets can simply be re-swabbed is false. As the court is aware, when an item is swabbed with a Q-Tip for touch DNA, the DNA is physically removed from that item. The Q-Tip becomes the evidence. This is why only half of the specimen (Q-Tip swab) can be consumed without written permission from the agency or originating source. (See Exhibit 7, pg. 15 of 26).

25. The defense's own claim that "re-swabbing" the evidence is also not true regarding the live rounds since the defense apparently had the rounds sent to their own ballistic expert for firearm/toolmark testing. So obviously, any "re-swabbing" would likely entail finding the "unknown male DNA" of the Defendant's ballistics expert.

26. The reason this deliberate procedure undertaken by the defense is so very troubling is because the People have obtained the DNA profile of Peter Striupaitis, the forensic scientist who conducted ballistic testing on the live rounds and testified at the Defendant's trial. (See Exhibits 8-10). The People have sought to conduct comparative testing of the DNA found on the live rounds by the Defendant's lab with the known standard generated of Peter Striupaitis. Unfortunately, the defense

has apparently authorized their lab to consume (i.e. destroy) this very DNA evidence that was so important to them that they used it to claim the Defendant's "actual innocence."

27. Contrary to the defense's assertion in the instant motion of their efforts being a "search for the truth," the defense made no effort whatsoever to determine the source of this male DNA. (Defendant's Motion, para. #6). Indeed, according to the e-mail correspondence to the defense laboratory from someone named Tammy Koelling, the CEO of "Words Matter Publishing LLC" the only interest regarding the male DNA on the live rounds was for the lab to "prepare an affidavit/statement to the presence of male DNA on the live rounds for the book." (See Exhibit 6, pg. 1/3).

28. Contrary to the defense's assertion in the instant motion, rather than a "search for the truth" they are merely in search of material for a forthcoming book. (See Exhibit 6, pg. 1/3).

29. This lengthy example is but one of several examples concerning the People's belief that the defense has already engaged in a deliberate attempt to abuse the discovery process and generate spurious claims by any means to include in her post-conviction petition. The methods the defense has undertaken has demonstrated no intention to exonerate or vindicate the Defendant but rather to re-litigate the sufficiency of the evidence adduced at her trial. *See People v. Adams*, 2013 IL App (1st) 111081; ¶ 36. These methods have quite frankly been an affront to this important post-conviction process designed to protect the constitutional rights of

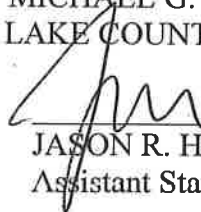
incarcerated petitioners. In short, this is why the People have stopped cooperating with the defense.

30. For these reasons, and because the Defendant has failed to allege any information as required to demonstrate good cause for the court to authorize the issuance of subpoenas, the People request that this motion be denied at this time.

WHEREFORE, the People respectfully request that the court deny the Defendant's discovery request at this time.

Respectfully submitted,
MICHAEL G. NERHEIM
LAKE COUNTY STATE'S ATTORNEY

By:



JASON R. HUMKE
Assistant State's Attorney



Northeastern Illinois Regional Crime Laboratory

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25 S. Martin Luther King Ave.
Waukegan, IL 60085

COPY

Subject: Homicide Investigation
Agency Case #: 07-15329
Case Officer: LCMCTF
Submission Date: 10/05/2007

Laboratory Case #: 07-4728
Laboratory Report #: 7
Report Date: 12/18/2007

Case Names: Rhoni R Reuter
Shaun L Gayle

The following evidence was submitted/retained in a sealed condition:

ITEM 07 (JY005)	Exhibit 01 swab collected from cartridge (collected by ARS, 10/6/07)
ITEM 10 (JY008)	Exhibit 01 swab collected from cartridge (collected by ARS, 10/6/07)
ITEM 12 (JY010)	Exhibit 01 swab collected from cartridge (collected by ARS, 10/6/07)
ITEM 15 (JY018)	Exhibit 01 swab collected from cartridge (collected by ARS, 10/6/07)
ITEM 16 (JY019)	Exhibit 01 swab collected from cartridge (collected by ARS, 10/6/07)

RESULTS

Biological analysis revealed that the stain(s) from item(s)/exhibit(s) 15-01 (swab) and 16-01 (swab) are of human origin.

The above retained stain(s) were subjected to DNA analysis for comparison purposes. DNA profiling was conducted using PCR at the following loci: D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO, and Amelogenin.

A DNA profile was obtained from item(s)/exhibit(s) 15-01 (swab) and 16-01 (swab) that is consistent with coming from one unknown female individual.

Item(s)/exhibit(s) 07-01 (swab), 10-01 (swab), and 12-01 (swab) failed to yield a sufficient amount of DNA for analysis.

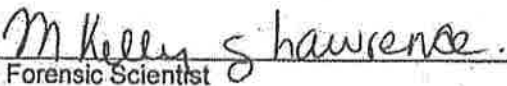
DNA evidence will be maintained at the laboratory should further analysis be requested.

Should further analysis be required, please contact this examiner.

006871

Lab Case 07-4728
Lab Report # 7
Analyst Kelly G. Lawrence


Reviewer


Forensic Scientist
Kelly G. Lawrence

**Northeastern Illinois Regional Crime Laboratory**

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COPY**Subject:** Homicide Investigation**Agency Case #:** 07-15329**Case Officer:** LCMCTF**Submission Date:** 10/10/2007, 10/11/2007**Laboratory Case #:** 07-4728**Laboratory Report #:** 8**Report Date:** 12/18/2007

Case Names: Rhoni R Reuter
Shaun L Gayle

The following evidence was submitted/retained in a sealed condition:

ITEM 33
(RG019)

Exhibit 01 five pieces of fingernails and one nail clipper

ITEM 34
(RG020)

Exhibit 01 five pieces of fingernails and one nail clipper

ITEM 35
(RG010)

Exhibit 01 one sealed envelope containing one piece of filter paper with the known blood standard of "Rhoni Reuter"

RESULTS

Sample(s) of item(s)/exhibit(s) 33-01 (fingernails) and 34-01 (fingernails) are being retained at the laboratory for potential DNA stain(s).

Chemical analysis indicated the possible presence of blood on item(s)/exhibit(s) 33-01 (fingernails) and 34-01 (fingernails).

Trace evidence observed on item(s)/exhibit(s) 33-01 (fingernails) and 34-01 (fingernails) was repackaged with the corresponding item(s) should future analysis be required. Analysis of the observed trace particles will be conducted upon specific request.

A sample of the blood comparison standard of "Rhoni Reuter" (Item/exhibit 35-01) is being retained at the laboratory for comparison purposes.

The above retained stain(s) and standard were subjected to DNA analysis for comparison purposes. DNA profiling was conducted using PCR at the following loci: D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO, and Amelogenin.

A DNA profile was obtained from item(s)/exhibit(s) 33-01 (fingernails) and 34-01 (fingernails) that matches the DNA profile obtained from the known blood standard of "Rhoni Reuter" (Item/exhibit 35-01).

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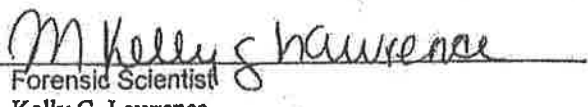
Lab Case 07-4728
Lab Report # 8
Analyst Kelly G. Lawrence

The DNA profile previously obtained from item(s)/exhibit(s) 15-01 (swab, refer to report 7) and 16-01 (swab, refer to report 7) matches the DNA profile obtained from the known blood standard of "Rhoni Reuter" (item/exhibit 35-01).

DNA evidence will be maintained at the laboratory should further analysis be requested.

Should further analysis be required, please contact this examiner.


Reviewer


Forensic Scientist
Kelly G. Lawrence

006874



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Subject: Homicide Investigation
Agency Case #: 07-15329
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Laboratory Case #: 07-4728
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RESULTS

Biological analysis revealed that the stain(s) from item(s)/exhibit(s) 15-01 (swab) and 16-01 (swab) are of human origin.

The above retained stain(s) were subjected to DNA analysis for comparison purposes. DNA profiling was conducted using PCR at the following loci: D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO, and Amelogenin.

A DNA profile was obtained from item(s)/exhibit(s) 15-01 (swab) and 16-01 (swab) that is consistent with coming from one unknown female individual.

Item(s)/exhibit(s) 07-01 (swab), 10-01 (swab), and 12-01 (swab) failed to yield a sufficient amount of DNA for analysis.


DNA evidence will be maintained at the laboratory should further analysis be requested.

Should further analysis be required, please contact this examiner.

PF8041

Lab Case 07-4728
Lab Report # 7
Analyst Kelly G. Lawrence


Reviewer


Forensic Scientist
Kelly G. Lawrence



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ITEM 34

(RG020)

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ITEM 35

(RG010)

Exhibit 01 one sealed envelope containing one piece of filter paper with the known blood standard of "Rhoni Reuter"

RESULTS

Sample(s) of item(s)/exhibit(s) 33-01 (fingernails) and 34-01 (fingernails) are being retained at the laboratory for potential DNA stain(s).

Chemical analysis indicated the possible presence of blood on item(s)/exhibit(s) 33-01 (fingernails) and 34-01 (fingernails).

Trace evidence observed on item(s)/exhibit(s) 33-01 (fingernails) and 34-01 (fingernails) was repackaged with the corresponding item(s) should future analysis be required. Analysis of the observed trace particles will be conducted upon specific request.

A sample of the blood comparison standard of "Rhoni Reuter" (item/exhibit 35-01) is being retained at the laboratory for comparison purposes.

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A DNA profile was obtained from item(s)/exhibit(s) 33-01 (fingernails) and 34-01 (fingernails) that matches the DNA profile obtained from the known blood standard of "Rhoni Reuter" (item/exhibit 35-01).

PF8043

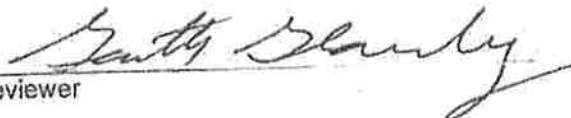
Lab Case 07-4728
Lab Report # 8
Analyst Kelly G. Lawrence

The DNA profile previously obtained from item(s)/exhibit(s) 15-01 (swab, refer to report 7) and 16-01 (swab, refer to report 7) matches the DNA profile obtained from the known blood standard of "Rhoni Reuter" (item/exhibit 35-01).

DNA evidence will be maintained at the laboratory should further analysis be requested.

Should further analysis be required, please contact this examiner.

Reviewer


Forensic Scientist
Kelly G. Lawrence

PF 8044

Liz Kopitke

From: Karl Reich
Sent: Thursday, July 09, 2015 4:51 PM
To: Jed Stone
Cc: Pravat Boonlayangoor; Liz Kopitke
Subject: Request for information

Importance: High

Dear Mr. Stone,

The technique we have developed specifically for items of evidence like spent round cartridges, our specific method for 'touch DNA' is now on-line, validated, competency tested and in use.

The evidence, 7 cartridges, are in the queue for testing; i.e., we would like to unseal them and get started.

Some questions:

- 1) Are all the cartridges considered the same in terms of evidentiary value? i.e., are some items more important/potentially informative than others? do we swab all of the cartridges together, or individually? Keep in mind that there is likely very little material on each individual cartridge – it can be done and we have experimental data showing that single cartridges can have sufficient DNA, if unfired. Fired cartridges, will have less viable DNA. At this point, unless case details contradict, we would suggest a group collection.
- 2) The court order demands certain communication if we feel that sample consumption is required – this can mean many things – do you think that this refers to DNA extracts that we make? to swabs that we take from the cartridges? (these are usually considered work product) Technically no one will know if extract consumption would be required until the data from the DNA quantification step is available; we will consume the swab used to collect biological material from the metal cartridge as part of the procedure.
- 3) At some point a discussion about the previous handling and history of the cartridges is going to be important – some of the items arrived unsealed, all of them with court exhibit tags. This is in regards to whatever DNA profile results are obtained – we do not need an answer to this now, but it will come up if we obtain DNA profile data.

That should get us started. I do have to both apologize and explain the timing. We have taken pains, time, and effort to develop the procedure and importantly develop the documentation and background so that this method will withstand scrutiny and examination in court. This has taken more time than we wanted, but the foundation is now solid.

Please contact me at your convenience by e-mail, phone, fax, etc.

Regards,

Karl Reich

Karl Reich, Ph.D.
CSO
Independent Forensics
500 Waters Edge
Suite 210

CASE #

29688

Lombard IL 60148
(p) (1) 708.234.1200
(f) (1) 708.978.5115
(e) karl@lfi-test.com
www.lfi-test.com

CASE #

29688

AK

10

Liz Kopitke

From: Karl Reich
Sent: Thursday, July 30, 2015 1:43 PM
To: Liz Kopitke
Cc: Pravat Boonlayangoor
Subject: FW: Response to your July 9th email

CASE #

29683

Some answers . . . just when you thought you were out of the woods . . .

Karl

Karl Reich, Ph.D.
CSO
Independent Forensics
500 Waters Edge
Suite 210
Lombard IL 60148
(p) (1) 708.234.1200
(f) (1) 708.978.5115
(e) karl@ifi-test.com
www.ifi-test.com

From: Jed Stone [mailto:jstone@jedstone.com]
Sent: Wednesday, July 29, 2015 11:38 AM
To: Karl Reich <karl@ifi-test.com>
Subject: Response to your July 9th email

Karl, thank you for your thoughtful email of July 9.

1. All of the cartridges are considered equal in evidentiary value. Any DNA on the cartridges that may lead to the identification of the shooter would be helpful. Our theory is that a person, not Marni Yang, fired the gun that killed . At trial there was no scientific evidence that linked Ms. Yang to the shooting. Fingerprints were found at the crime scene. None were Marni's. No trace evidence was found on her, her clothing or the car she drove. The cartridges were taken into evidence by the police but never tested. If DNA evidence could be developed on these cartridges, it might help us advance our case of innocence.
2. If you extract DNA from a cartridge I expect it will be in very small amounts. I would consider your swabs to be "work product." If you consume the swab you are consistent with the court's order so long as the cartridge remains available to the state for additional testing.
3. I understand that should you be successful in extracting DNA material from the cartridges, and should be successful in obtaining a profile from the extracted DNA we may have additional work to do to obtain a profile from the extracted DNA. For now, should you extract DNA, it would be helpful to say a) it ain't Marni's and b) it may be run thru a data base to determine from whom it came.

Hope this helps. I look forward to your test results. I will be out of the country from Aug. 4 to 18. Hope to come home to news from your lab.

Jed

CASE #

29683



STONE & ASSOCIATES

Jed Stone, Attorney at Law
415 Washington Street, Suite 107
Waukegan, IL 60085
p-847.336.7888 f- 847-336-0733



CASE#

29688 *st*

CASE#

29688 *st*

12

IN THE CIRCUIT COURT OF THE NINETEETH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

Respondent-Plaintiff,)

v.)

MARNI YANG)

Petitioner-Defendant.)

CASE #

29683 *off*

No. 09 CF 926

Honorable Christopher Stride
Judge Presiding

FILED

ORDER

SEP 11 2014

Keith Brim
CIRCUIT CLERK

On motion of Jed Stone for Marni Yang;

People by Ari Fisz, Assistant State's Attorney;

The being fully advised in the premises;

IT IS ORDERED:

1. The Court finds that DNA testing of the shell casing found at the crime scene and currently in the possession of the Clerk of the Court would not be cumulative. Testing of said shell casings shall be conducted at defense expense and by the agreement of the prosecution.
2. John Rea, a defense investigator, shall transport all shell casings in the possession and control of the Clerk of the Court and found at the crime scene of this cause to Dr. K.A. Reich, Independent Forensics, DNA Testing and Technologies, 500 Waters Edge, Suite 210, Lombard, IL 60148 at ambient temperature for DNA testing.
3. If in order to obtain interpretable DNA test results the scientists at Independent Forensics determine that testing would require consumption of the entire sample Independent Forensics is then required, prior to any testing, to consult with the Lake County State's Attorney's office and Ari Fisz to determine the proper scientific procedure to follow with regard to the consumptive testing of any sample and then to come back to this court for further instruction or order(s).

13

4. Dr. Reich and Independent Forensics shall prepare a written report of testing results and provide the defense counsel and state's attorney with copies of same within 21 days of completing said testing.
5. At the conclusion of testing by Independent Forensics all shell casings shall be returned to the Clerk of the Court by John Rea.

CASE #

29683 *JK*

ENTER:

Christopher M. Stone

JUDGE

Dated this 11th day
of September, 2014
at Waukegan, IL

Order prepared by
Jed Stone
Stone & Associates, Ltd.
415 Washington Street
Waukegan, IL 60085
847 336 7888

14

Liz Kopitke

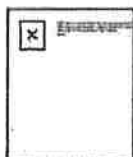
From: Tammy Koelling <tammy@wordsmatterpublishing.com>
Sent: Tuesday, June 05, 2018 5:14 PM
To: Karl Reich
Cc: Liz Kopitke
Subject: Re: Update IL v Yang

Dr. Reich,

Please proceed with testing in accordance with your above suggestions.

We will, however, be sending all of the evidence in your possession to a ballistics lab, not just the live rounds. Please advise when you are ready to ship and we will coordinate the transfer.

Kindly,
Tammy

**Tammy Koelling**

CEO, Words Matter Publishing LLC

A P.O. Box 531 Salem, IL 62881

M (618)267-7404 E tammy@wordsmatterpublishing.com

W www.wordsmatterpublishing.com

On Tue, Jun 5, 2018 at 4:50 PM, Karl Reich <karl@ifi-test.com> wrote:

Dear Ms Koelling,

As you may be aware, our laboratory has processed some of the evidence you recently transported here back in September 2015. This includes shell casing items, #59 (which in fact was merely packaging), and 60, 61, 62: which became as a group Q1 and 63, 64, and 65: which became as a group Q2. At the time #59 was not present.

So, these items were previously tested in our laboratory and some of these were processed by NIRCL as well. It does not seem reasonable to re-swab and re-test these items – this would be merely inflating our bill to no good purpose. Our recommendation is to forgo DNA testing on these previously processed and analyzed shell casings.

CASE #

35624

1/3

000292

A weak argument could be made for processing #59 as this item was not previously analyzed in our laboratory. Given the history, size of the time and type, the chance of obtaining probative DNA results from #59 is slim.

A stronger argument could be made for processing the unfired rounds that supposedly were ejected by the assailant when the firearm jammed. There are five of these – due to the size of the rounds, it may be necessary to sample these in two groups – we actually calculate how much surface area our collection buffer can effectively cover. This comes to 3 of the rounds in one group and 2 rounds in another. Each group is a single swab used 'wet dry' as this technique is called in forensic lab slang. PE# 66 through 70 (inclusive).

Just to confirm, these unfired rounds are the items you want sent to the ballistic expert for analysis after they have been sampled for DNA.

Next: fired rounds. This refers to PE#51-58 (inclusive). PE#55-58 were recovered from the decedent – these were likely washed after removal from the victim and at best would provide a profile of the victim. Our recommendation is that these items not be processed for DNA profiling – again an expense with little or no chance of providing probative information.

The projectiles that were recovered from the scene could be considered for DNA processing. The area on the projectile portion of the round is (a) small as the majority of the projectile is actually enclosed by what will become the spent casing and (b) the exposed tip portion of the projective sustained damage on contact with walls, floors, garbage can, etc. Size and contact will reduce the chance of obtaining any DNA data from this kind of evidence. Again, our recommendation is to forgo DNA testing on these items due to cost and slim chance of probative information.

All understand that the best items have already been processed, most of the items were handled and exposed at trial and at best, these kinds of evidence are low yield for DNA.

That said, we are willing to try.

We would strongly suggest that consuming the recovered material from the live rounds provides the best, in a tough case, chance of obtaining data that might shed information on who might have loaded the weapon.

4/24/2018

If these recommendations seem reasonable, please let us know and we will swab the unfired rounds and send them to the ballistic laboratory.

The cutting from Mr. Larson can be processed after the questioned items have been analyzed.

As always, please do not hesitate to contact me with any questions, comments or concerns.

Regards,

Karl Reich

Karl Reich, Ph.D.

Chief Scientific Officer

Independent Forensics

500 Waters Edge

Suite 210

Lombard IL 60148

USA

p (1) 708.234.1200

f 708.978.5115

skype: karlreich

www.lfi-test.com

CASE #

35624

000294

3/3

51

6/18/18

Ex#1 / Lake County Sheriff # 07-15329-JY005 | 6x9" envelope -
all 4 edges w/ evidence tape - both 6" edges open -
top closed w/ a staple, bottom open ~ half way
across. Approx 1" opening on left side edge
in center envelope ~ one box - One end sealed ^{partially} &
one end previously sealed, but now open - ~ one
2 1/4 x 3 1/2" envelope open @ top - One live 9mm
round inside 2 1/4 x 3 1/2" envelope - engraved w/ NIRC
Case #, item #, & initials.

Ex#2 / LCSO # 07-15329-JY008 | 6x9" envelope -
- 3 of 4 edges sealed - 1 small opening on sealed
long edge ~ one empty unsealed ^(previously sealed) box & ^(previously sealed) ^{6/18}
one empty ^{6/18} unsealed 2 1/4 x 3 1/2" envelope. live 9mm
round loose in external package (6x9" envelope) - original
w/ NIRC case #, item #, & initials. Pink adhesive @ end.

Ex#3 / LCSO # 07-15329-JY010 | 6x9" envelope -
all 4 edges sealed - small opening on sealed
bottom short edge - tear on back side of envelope -
~ one previously sealed, empty box & one previously
sealed, empty 2 1/4 x 3 1/2" envelope. live 9mm
round loose in external packaging (6x9" envelope) -
engraved w/ NIRC case #, item #, & initials.

CASE #

85624

P. 1 of 6
SC

000052

CASE #

35624

Blumberg No. 5133

PEOPLE'S
EXHIBIT

5

53

6/18/18

Ex #4 / LCSO # 07-15389-JY018 - 6x9" envelope -
all 4 edges closed w/ evidence tape - small opening
on one long edge - one previously sealed
box & one previously sealed 2 1/4 x 3 1/2" envelope -
both empty. blood stains inside box - NO LIVE
9mm round found.

Ex #5 / LCSO # 07-15389-JY019 - 6x9" envelope labeled
"Biohazard" - all 4 edges closed w/ evidence tape -
small opening on one long edge - one previously
sealed, empty box w/ blood stains & one
2 1/4 x 3 1/2" previously sealed envelope - one
live 9mm round engraved w/ NRECA case #, skmt #,
& initials. brownish spots visible on live round,
Poss blood? - avoided while sampling

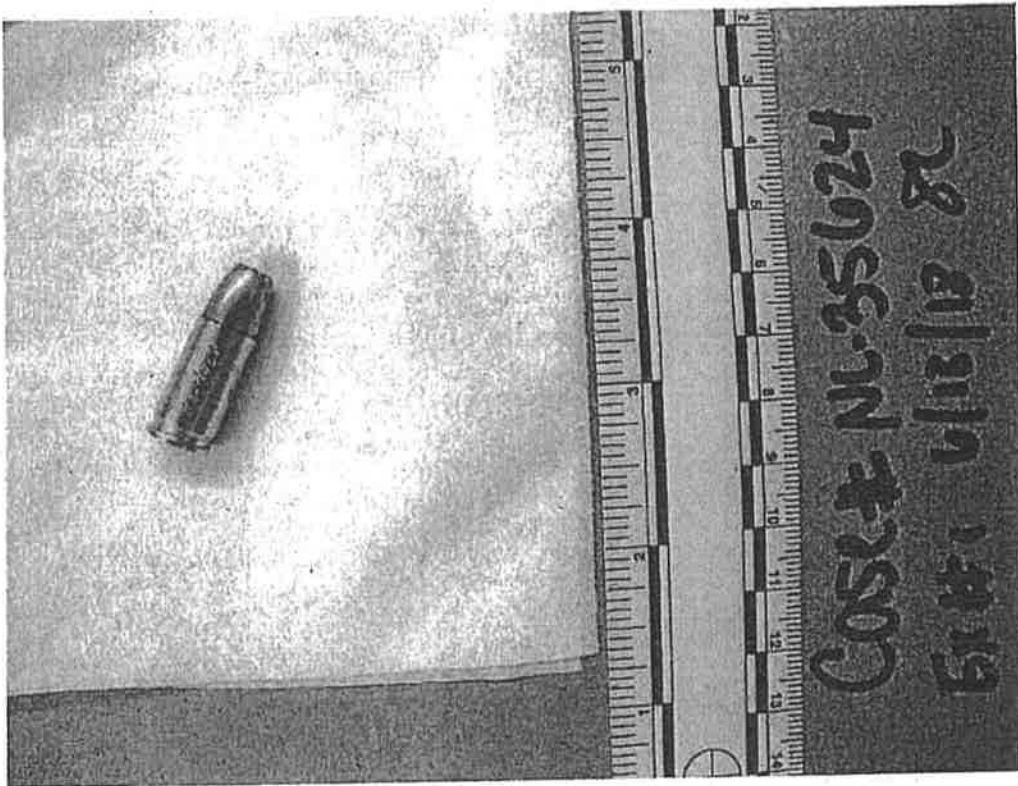
A sterile cotton swab was ^{moistened} ~~soaked~~ on one side w/ lysis
buffer (1/3 of total 50 μ l = 16.7 μ l) & wet/dry sampling was
used on Ex #1, 2, 3 - all surfaces swabbed.

A mini swab w/ 10 μ l of lysis buffer was used to
sample Ex #5 using wet/dry method - avoided visible
poss blood stains while sampling.

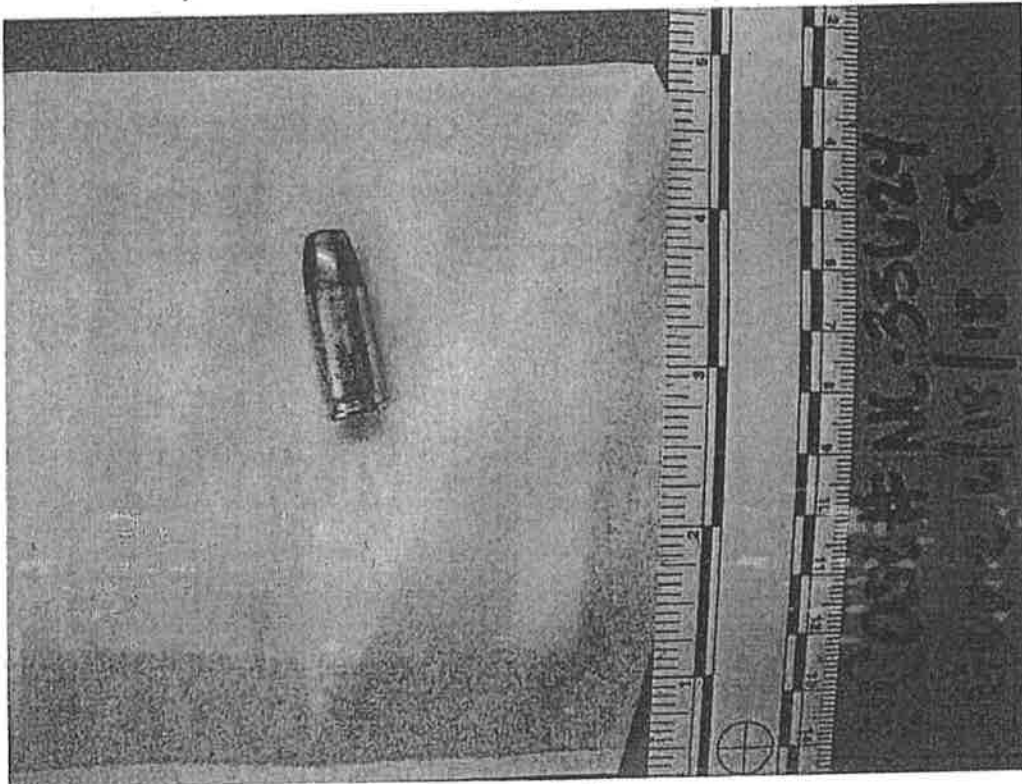
7/5/18

Ex #6 / LCSO # 07-15389-RG026 - Sealed by John Larsen
on 5/31/18. envelope - one 1 x 1 1/2" fabric piece
fully stained red/brown. a 0.5 cm² cutting was taken
from fabric. No labeling on fabric due to
heavy staining.

000054 P. 3 of 6 JC



35624 025



35624 026

Liz Kopitke

From: Tammy Koelling <tammy@wordsmatterpublishing.com>
Sent: Wednesday, November 7, 2018 7:53 PM
To: Jed Stone
Cc: Liz Kopitke; Karl Reich
Subject: Re: pending questions, reports, & invoices: IL v Yang

Thank you Jed.

Liz, I will make arrangements for Perry Myers or someone from his office to pick the bracelet up and return it to the Lake County Circuit Clerk's Office.

**Tammy Koelling**

CEO, Words Matter Publishing LLC

A P.O. Box 531 Salem, IL 62881
M (618)267-7404 E tammy@wordsmatterpublishing.com
W www.wordsmatterpublishing.com

On Wed, Nov 7, 2018 at 7:50 PM Jed Stone <jstone@jedstone.com> wrote:

Please return the material to the clerk by hand with chain of Custody preserved and documented. Do not mail it!

Sent from my iPhone

On Nov 7, 2018, at 6:55 PM, Tammy Koelling <tammy@wordsmatterpublishing.com> wrote:

Hello Liz and Dr. Reich,

Thank you for your outstanding work on this case and your time in explaining things to me.
I will forward the payment to you shortly. You may forward the invoice for the bracelet to me also.

Please address all reports to Stone and Associates and forward me a copy. All I need is an electronic version.

When we spoke about the male DNA on the live rounds, you stated you would be able to prepare an affidavit/statement to the presence of male DNA on the live rounds for the book. I look forward to receiving this.

I will provide you with the mailing information for the return of the bracelet to the Lake County Circuit Clerk's Office tomorrow.

Again I thank you and look forward to the reports.

Kind Regards,
Tammy

CASE #

35624

**Tammy Koelling**

CEO, Words Matter Publishing LLC

A P.O. Box 531 Salem, IL 62881

M (618)267-7404 E tammy@wordsmatterpublishing.comW www.wordsmatterpublishing.com

Shelby No. 5129

PEOPLE'S
EXHIBIT

6

On Wed, Nov 7, 2018 at 12:03 PM Liz Kopitke <liz@ifi-test.com> wrote:

Hello Tammy (& Jed),

My understanding from Karl is that DNA testing in the matter of IL v Yang is complete--attached is an invoice for DNA work performed on the live rounds, victim shirt, and door knobs. As no further samples will be forthcoming, we will proceed to reporting of these findings (results of which have already been communicated to you, Tammy). I anticipate the report to be ready before month's end.

Also still outstanding is work from late 2017 on the medical alert bracelet. Additionally, the bracelet is still here, in our secure evidence storage. The last communication I have from you (Jed) from February 2018 indicated that the circuit clerk was anxious for its return, but we never received an address to which it should be shipped. Would one or both of you please advise to whom the report and invoice for this work should be directed, and to whom/where and by what means the evidence item should be returned?

Many thanks and kind regards,

Liz Kopitke

Technical Leader & Quality Manager

Relationship Testing Laboratory Supervisor

Independent Forensics

From: Shelby Carlson <shelby@ifi-test.com>

Sent: Wednesday, November 7, 2018 10:44 AM

To: Liz Kopitke <liz@ifi-test.com>

Subject: NL-35624 invoice

CASE #

3 5 6 2 4

2/3

000303

Liz,

Attached is the invoice for NL-35624, People of Illinois v. Marni Yang.

Shelby Carlson

DNA Analyst / Forensic Scientist

Independent Forensics

500 Waters Edge Suite 210

Lombard, IL 60148

ph 708-234-1200

fax 708-978-5115

shelby@ifi-test.com

CASE #

35624

INDEPENDENT FORENSICS STANDARD OPERATING PROTOCOL

SOP # 007 FORENSICS ANALYSIS COLLECTION OF REFERENCE SAMPLES, SAMPLE TRANSPORTATION, RECEIVING AND STORAGE, EXHIBIT EXAMINATION AND CASE FILE CONTENT GUIDELINES

WRITTEN BY: P. W. BOONLAYANGOOR & KARL A. REICH

EFFECTIVE DATE: February 5, 2003 BY: Karl A. Reich

ADOPTED DATE: February 5, 2003 BY: P.W. Boonlayangoor

REVISED & REVIEWED BY: P.W. Boonlayangoor

26 PAGES

DATE: March 10, 2015

I. PRINCIPLE

Forensic analysis is defined in the American Heritage Dictionary as "pertaining to, or employed in, legal proceedings or argumentation". Paternity determination or Family Relationship Testing is considered a branch of forensic science with good reason, as most of the techniques used in paternity determination or family relationship testing are identical to the techniques used when preparing, testing and analyzing criminal forensic samples. In many instances however, one must first identify the potential biological source in a forensic sample before attempting to analyze it. Some techniques utilized in paternity determination or family relationship testing is not appropriate for forensic samples, mainly due to the age or condition of the particular specimen. Here, a series of techniques and procedures are described which pertain specifically to forensic specimens.

II. SCOPE

All laboratory personnel involved in forensic sample analysis must be trained and conversant with the technical and procedural details here described.

removal from locked storage noted and the identity of the analyst in possession of the exhibit can be identified at all times: internal chain of custody must therefore record both removal and replacement of all exhibits, samples or similar from the appropriate storage location (usually RT storage, freezer or refrigerator).

XII. SAMPLING

The proper sampling technique for specimens is presented.

1) Only $\frac{1}{2}$ of the total specimen from a forensic source may be consumed at IFI. Written permission from the agency or originating source must be obtained prior to fully consuming any forensic sample (database samples and reference sample are treated differently, see below).

2) The DNA extraction can not be totally consumed without authorization from the Technical Leader. IFI has developed a Trace Method (LCN) protocol that can accurately and consistently obtain full DNA profiles from 0.1 ng of genomic DNA: this protocol should be used when DNA sample is limiting.

3) The DNA control such as NIST reference 2931b or NIST-traceable DNA may be aliquoted and diluted into a small volume such that the concentration of DNA is ~ 1 ng / μ l and ~ 2 -3 μ l solution are in each aliquot: enough for 3-4 positive control reactions at one time. These aliquots will be kept in a frost free freezer. Each aliquot will be thawed and spun down at 10,000 g and used once: any unused DNA control from that aliquot will be discarded. This process will prevent the deterioration and/or contamination of the DNA control.

4) The prohibition to total sample consumption refers to all exhibits and samples including provided DNA (if sent pre-extracted), pre-screened sexual assault kits, swabs, clothing, etc, except Buccal swab reference standard. A written authorization to consume the entire sample must be obtained from the originating agency/laboratory and confirmed by the laboratory Technical Leader.

5) In the event that the sampling procedure performed at IFI deviates from the

above protocol, the analyst will immediately inform the Technical Leader. The appropriate client will be notified in writing and in detail as to the non-conformance. A best guess description of the ramifications of the sampling-nonconformance will be used in describing the options to the client.

6) IFI will retain all records and data from a case, which could include sampling non-conformance, the identification of the analyst, the statistical analysis used, the condition and sampling location as well as any notes, final reports or similar.

XIII. REPORTS

TEST RESULTS, REVIEWING AND REPORTING

The following section lists the information that must be included in a forensic or database sample report - detailed report guidelines and specific language can be found in SOP#13. Independent Forensics has developed a case summary check list and written procedure for documenting, taking and maintaining case notes in support of all DNA analysis and body fluid identification conclusions. The procedure includes that all test results will be **subjected to Technical review and Administrative review.**

Technical reviews: A technical reviewer must have qualifications as specified by DNA-QAS standard, such as the technical reviewer must be proficient and qualified in the area to be reviewed and either ongoing external proficiency testing or performing technical review the External Proficiency testing in all subjects to be qualified as the technical reviewer. Technical review will consist of independent reviews by two technologists/analysts. Results will be compared and additional testing will be repeated to resolve unmatched test results. Technical Review of laboratory casework involves the review of scientific results to ensure the technical accuracy of the work performed, as opposed to the administrative review to ensure that all documentation is present and correctly filled out.

Required elements of technical review are as follows:



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

IN THE CIRCUIT Court OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
VS.) 09 CF 926
)
MARNI YANG)

AFFIDAVIT OF PETER STRIUPAITIS

I, Peter Striupaitis being first duly sworn under oath state as follows:

1. That I have personal knowledge of the facts contained in this affidavit and if called to testify would testify truthfully, and completely to the facts contained in this affidavit.

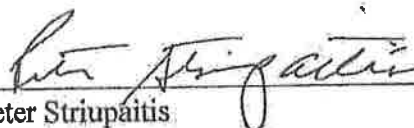
2. I, Peter Striupaitis, am a former employee of the Northeastern Illinois Regional Crime Laboratory in Vernon Hills, Illinois and was with the crime laboratory during the period of time between 2007 and 2011 when the case of People of the State of Illinois vs. Marni Yang was investigated and proceeded to trial. I also testified at this Defendant's trial.

3. As part of my duties at the Northeastern Illinois Regional Crime Laboratory, I conducted firearm and toolmark analysis on several items of evidence collected in this case, to include firearm ammunition and shell casings.

4. During examination of the items of evidence in this case I handled the items with my hands. I did not use gloves or examined the items in a sterile environment. This is because the firearm and toolmark section is not a sterile section of the crime laboratory and items of evidence requiring DNA or fingerprint testing are sent to those sections first for DNA and fingerprint testing before being sent to the firearm and toolmark section.

5. On today's date, I made contact with an officer from the Venice, Florida Police Department and provided a DNA sample obtained from a buccal swab of my mouth to be sent along with this affidavit to the **Northeastern Illinois Regional Crime Laboratory**.

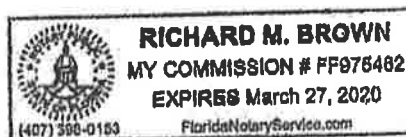
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


Peter Striupaitis

Subscribed and Sworn to before me, a Notary Public on this 6th day of

January, 2020


Notary Public



* W/ ID

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

IN THE CIRCUIT Court OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
VS.) 09 CF 926
)
MARNI YANG)

AFFIDAVIT FROM VENICE POLICE DEPARTMENT

I, Todd Reale being first duly sworn under oath state as follows:

1. I am a police officer with the Venice, Florida Police Department.
2. On today's date, I made contact with a Peter Stripaitis, whom I identified by a photo identification presented to me.
3. In accordance with my training, I took a buccal swab from the mouth of Peter Stripaitis to collect a DNA sample from him. I packaged this swab in a sterile container, and I had this sealed container sent to the **Northeastern Illinois Regional Crime Laboratory, 1000 Butterfield Rd., Ste. 1009, Vernon Hills, IL 60061** along with this affidavit.

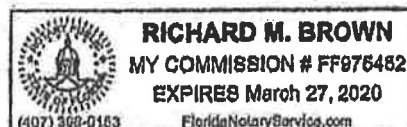
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Det. Turner 530
Name:

Subscribed and Sworn to before me, a Notary Public on this 6th day of January, 2020

Richard M. Brown
Notary Public

* Known to me.





Northeastern Illinois Regional Crime Laboratory



DNA Report

1000 Butterfield Road, Suite 1009, Vernon Hills, IL 60061

Phone: (847) 362-0676 Fax: (847) 362-0712

Board President
Steve Husak

Executive Director
Philip T. Kinsey



Sheriff John D. Kieburg
Lake County Sheriff's Office
25 S. Martin Luther King Ave.
Waukegan, IL 60085

Subject: Homicide Investigation
Agency Case #: 07-15329
Case Officer: LCMCTF
Submission Date: 01/09/2020

Laboratory Case #: 07-4728
Laboratory Report #: 24
Report Date: 01/22/2020

Case Names: Rhoni R Reuter
Shaun L Gayle
Mami Yang

The following evidence was submitted/retained in a sealed condition:

ITEM 68 Exhibit 01 two swabs with the known saliva standard of "Peter Stripaitis"

RESULTS

The known standard of "Peter Stripaitis" was extracted for DNA.

DNA profiling of the known standard of "Peter Stripaitis" was conducted by PCR using the Yfiler Plus amplification kit, containing 25 STR loci.

A Y-STR profile was obtained from the known standard of "Peter Stripaitis".

DNA evidence will be maintained at the laboratory should further analysis be required.

Should further analysis be required, please contact this examiner.

The results portion of this report contains scientific judgments and interpretations rendered by the individual whose signature appears on the report.

Please pick up all appropriate exhibits at your earliest convenience.

Reviewer
Gina M. Havlik, M.S.

Forensic Scientist
Michelle L. Thomas, M.S.